

HONORABLE JUDGE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

vs.

STATE OF WASHINGTON, et al.,

Defendants.

Civil No. C70-9213

Sub-proceeding No. 01-2

STIPULATION: CONFIDENTIALITY
OF DOCUMENTS PROVIDED IN
DISCOVERY

The Court, in its Order on Motion for a Protective Order, Doct. 185, May 11, 2006, held:

(4) Documents and information provided by the Samish Indian Nation pursuant to discovery requests as part of this sub-proceeding shall not be used in any other legal proceeding without further Order of this Court. Financial information disclosed by the Samish Indian Nation pursuant to discovery requests shall remain confidential. Treaty Tribes shall confer with the Samish Indian Nation before including any financial information in any pleading they may file with this Court, for purposes of reaching appropriate procedures to protect the confidentiality of such information.

The active parties to sub-proceeding 01-2 enter into the following stipulation regarding submission to the Court of financial information disclosed by the Samish Indian Nation in discovery:

1. The party (including the Samish Nation) submitting Samish financial information

1 either in the body of a pleading or as an exhibit or attachment, including any reports, data or other
2 such information (“financial information”) shall redact the financial information from the pleading
3 filed electronically with the Court as part of the public record of the proceeding. A blank space
4 will appear for financial information redacted from the body of a pleading or for financial
5 information that appears within the body of an exhibit or other document. If a complete
6 document is redacted, a single page shall be included in the document’s place identifying the
7 nature of the document that has been redacted.

8 2. Simultaneously with such filing, the party filing the pleading shall send either by
9 facsimile or electronically a copy of such pleading (s) that includes all the redacted financial
10 information to all other parties to the proceeding.

11 3. The Court’s working copy of any pleading shall include all financial information
12 redacted from the pleading filed electronically with the Court as part of the public record of the
13 proceeding.

14 4. The Samish Indian Nation, for pleadings filed by the Treaty Tribes, shall have five
15 (5) business days after filing of any pleading by the Treaty Tribes to designate, by written
16 transmission to Treaty Tribes and to the Court Clerk, additional financial information that it
17 believes should be kept confidential. A revised pleading, with the additional financial information
18 redacted, shall accompany such transmission.

19 5. Counsel for Treaty Tribes may disclose Samish financial information to their
20 clients as part of this sub-proceeding with the understanding that such information shall not be
21 distributed or used for purposes other than as necessary for this sub-proceedings. Samish
22 financial information shall not be used in any other legal proceeding.

23 6. In the event Treaty Tribes disagree with the designation by the Samish Indian
24 Nation of specific information as confidential financial information under paragraphs 1 or 4 of this
25 Stipulation, the parties shall confer in an attempt to resolve such dispute. In the event the dispute
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1 cannot be resolved within ten (10) days after a dispute is raised, the confidentiality of specific
2 financial information shall be submitted to the Court for resolution, whose decision shall be
3 considered a final decision for purposes of appeal. In the event of an appeal of the Judge's
4 decision on any matter in this sub-proceeding, the parties agree that the full pleading including all
5 redacted financial information will be substituted into the record for purposes of the appeal, and
6 the Court shall enter an order covering the confidentiality of the record.

7 7. To the extent possible, the Court shall redact financial information from any
8 Orders it issues.

9 8. The intent of this stipulation is to prohibit the release of confidential and
10 proprietary Samish financial information to the general public.

11 9. Signature below constitutes agreement with the terms of the stipulation.

12
13 s/ Craig J. Dorsay
14 Craig J. Dorsay
15 Samish Indian Nation

16 Date: 8/4/06

s/ Harold Chesnin *via email authorization
Harold Chesnin
Upper Skagit Indian Tribe

Date: 8/4/06

17 s/ Michelle Hansen
18 *via email authorization
19 Michelle Hansen
Suquamish Indian Tribe

20 Date: 8/4/06

s/ James Jannetta
*via email authorization
James Jannetta
Swinomish Indian Tribal Community

Date: 8/4/06

21
22 s/ Daniel A. Raas
23 *via email authorization
24 Daniel A. Raas
Lummi Nation

25 Date: 8/4/06

s/ Lauren Rasmussen
*via email authorization
Lauren Rasmussen
Jamestown S'Klallam Tribe

Date: 8/4/06

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3 _____ s/ Timothy Weaver
4 Mason Morisset * via email authorization
5 Tulalip Tribes Timothy Weaver
6 Yakama Indian Nation

7
8 Date: _____ Date: 8/4/06

9
10 s/ Lauren Rasmussen
11 *via email authorization
12 Lauren Rasmussen
13 Port Gamble Band of S'Klallam

14 Date: 8/4/06

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16 APPROVED and ORDERED this 21 day of August 2006.

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19 RICARDO S. MARTINEZ
20 UNITED STATES DISTRICT JUDGE
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